

University of Michigan Law School
University of Michigan Law School Scholarship Repository

Res Gestae

Law School History and Publications

1977

April 21, 1977

University of Michigan Law School

Follow this and additional works at: http://repository.law.umich.edu/res_gestae



Part of the [Legal Education Commons](#)

Recommended Citation

University of Michigan Law School, "April 21, 1977" (1977). *Res Gestae*. Paper 643.
http://repository.law.umich.edu/res_gestae/643

This Article is brought to you for free and open access by the Law School History and Publications at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Res Gestae by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

The Regester

UNIVERSITY OF MICHIGAN LAW SCHOOL

April 21, 1977

Levin Urges Major Reform In delivery of Legal Services

In a wide-ranging interview with RG staff member, Michigan Supreme Court Justice Charles L. Levin urged major reforms in ethics rules, state judicial election procedures, and professional attitudes toward non-corporate, non-government practice.

Current ethics rules prohibiting virtually all advertising and specialization must be revised, according to Levin, "I know of no other way to make legal services available at a fair price to middle and lower income people, who do not qualify for legal aid."

Advertising, in his opinion, is necessary to inform the public of available services and fees, in addition to bringing clients into the office; he would set limits only as needed for honesty and fairness. The greater efficiency inherent in specialization, along with increased use of paralegals, are also necessary, to lower the cost of services to this large group.

"The profession must graduate; it must recognize the need for services that the public can afford." Not every law stu-

dent should concentrate on corporate law, taxation, or securities regulation; Levin suggests that other fields such as family law could become equally desirable, if the ethics rules were changed to allow efficient operation.

Success of such changes, Levin noted, might require a change of emphasis at the law school level. Though he refrained from outlining a specific proposal, he did express warm approval of the U of M's Clinical Law program.

"Clinic programs are perhaps the only real-life experience many lawyers will have, because they go on to careers that don't involve clients. They benefit, and society benefits," from the accelerated learning process in clinic programs.

Justice Levin was not optimistic about the future of large-scale public interest and pro bono practice in either the Michigan or Federal court systems.

In his opinion, lack of adequate funding may prevent some qualified graduates from entering the field. Court attitudes

(See LEVIN page 9.)

50-50 Admissions For Fall Class

The entering class of 1977 will be a more rounded and interesting class due to a unique admissions program installed here at Michigan Law School. This year an effort is being made to downplay the importance of statistical data in the admissions process, without lowering the school's admissions standards. What initially seems an impossible task is really a simple process nick-named "fifty-fifty".

Under the "fifty-fifty" admissions program, the accepted entering class is divided into two sections. One half of the class is chosen in the traditional manner, familiar to all of us, based upon a purely statistical basis. This portion is composed of those applicants with the highest combined LSAT scores and undergraduate GPA's. Very seldom is "soft data" considered in this category.

The other half of the entering class is chosen by a very untraditional method. A pool of applicants, several times larger than the available openings, is selected on the usual statistical basis. But once the pool is established, the "hard data" is ignored. The result is a statistically safe group, but one within which there is no ranking.

The next phase is a time consuming process of evaluating all the soft data by comparing background, intellectual and non-academic achievement, employment experience, maturity, and similar factors. The applicant may also be asked to appear for an interview, usually before a Law School alumnus, to assess personality, goals, and interests.

It should be noted that the school still considers all applications for enrollment. Those not statistically fortunate enough to fall within the first group or the pool are given full consideration. Also, minority recruiting is a special program, and not included within this process.

Although it is too early to evaluate the success of the "fifty-fifty" program, it is viewed by Admissions Dean Roger Martindale as quite flexible and practical. Dean Martindale hopes that this process will select a more varied class, including individuals "who can combine their backgrounds and experience with law to contribute more effectively to the learning process while in school, and to society upon graduation."



THE CAMPBELL COMPETITION

Campbell Competitors (standing l-r): Thomas Friel, Edd-Richard Watson, Kenneth Laino, Franklyn Kimball, George Kimball, Douglas Zingale, and Calvin Keith.

Campbell Justices (sitting l-r): Theodore St. Antoine, Charles Levin, Arthur Goldberg, Charles Joiner, and Peter Westen.

Res Gestae

Parting Shot

Quickly approaching a close are the semester, my stint as head of the Res Gestae, and my law school education. It is now my turn to take the "parting shot", a graduating Editor's chance to reflect upon the three years spent at this legal institution.

Many of my peers have no hesitancy in leaving this place. They harbor feelings of bitterness, adverse memories, and a sense of dissatisfaction and nonfulfillment.

As with my colleagues, my years here have also been a collage of good and bad. But this is no indication of a failure of the Law School, but rather a reflection of personal disappointment. Where any factor comprises so completely three years of one's life, it inevitably reflects all facets of life—the good and the bad.

Within this Gothic castle many of my life's experiences have been realized. I have made close friends and bitterly lost them. I have met with both satisfaction and disappointment. I have encountered difficulty, sometimes hidden from it, but more often confronted it. I have come to face my personal limitations, reluctantly yet constructively.

I openly profess my gratitude to the Law School for having secured my future. But more importantly, I have grown within its ramparts, rather than having been sheltered from life's experience. And, rather than confining my personality, the school has made me a fuller human being.]

Law School has become a bitter experience for many, but I will miss it. And further, I will cherish the memories, experiences, and acquaintances within it.

Ned Othman

R.G. TO GO

Crust	Ned Othman
Tomatoes.....	Carol Sulkes
Bacon	Bob Brandenburg
Alka Seltzer.....	Don Parman
Sausage	Stew Olson
Double Cheese	Ken Frantz
Sauce.....	Dan FitzMaurice
Green Pepper	Crusader Rabbit
Onion	Zieghoff Braintree
Ham	Kevin McCabe
Olives	Sandy Gross
Anchovies	Earl Cantwell
Mushrooms	Dot Blair
Pepperoni	Dennis Elichman

CRUSADER RABBIT

Hey gang, ever wonder what would happen if the federal Truth-In-Advertising requirements were ever applied to law school? Why, a lot of you might have chosen more sensible things to do following college graduation, such as washing cars or dealing cocaine. Join R.G.'s beloved columnist as he hops through the pages of the University of Michigan Law School catalogue following revision to comply with T-I-A.

General description

The University of Michigan Law School is a three year professional school which purports to teach college graduates the basic principles of American law to enable them to practice law following graduation. If any of our graduates is actually able to do this, it is in spite of, and not because of the education he or she received at this law school. Apart from boring its students to death, the law school's main function is to serve as a screening device to weed out some of the vast numbers of college graduates who naively wish to become lawyers. It also serves to socialize those students who will become lawyers into working within the American legal system without getting violently ill or fomenting revolution. In order to become a lawyer, you must take a bar exam; and in order to take a bar exam, you must go to law school. Do not bother to file a lawsuit challenging this arrangement as violating

the anti-trust laws. Do not pass go. Do not collect \$200.

Tuition

No matter what figure is stated here as law school tuition, it will have been increased by the time this law school catalogue goes to print. As a general guideline to estimate University of Michigan Law School tuition, take the other nine Big-10 law school tuitions, add them up, divide by nine, add two standard deviations, multiply by 1.43, and subtract \$20 (which gets added back as your nonrefundable law school xerox, booze, and slush fund fee). As a purely incidental consequence of a captive student market and an outrageous student:faculty ratio, the law school dot only makes enough money to cover expenses and kickback some dough to the rest of the University, but also to buy more stock in many companies which our graduates will be

(See IF, page 5.)

How to Spend a Sabbatical

STUDENT-FACULTY COLLOQUIUM

Ed. Note: We are especially grateful to Professor Pooley in offering this response to a non-academic, though certainly relevant inquiry. We encourage all types of questions.

Q. PROFESSOR POOLEY: We note that you will be on sabbatical next semester, can you tell us your plans or aspirations?

A. I have three goals in mind for my sabbatical leave:

To gather materials for a seminar provisionally entitled Entertainment Law. I am impressed by student interest in this subject, and believe it may be of sufficient strength to warrant a seminar. The main focus will be the employer/employee contract in the entertainment industry. For a variety of reasons, I shall not be covering athletics.

I shall be pursuing my long term interest in the development of African law; in particular, a study of corruption in Ghana, and a legal analysis of military rule in that country. Whereas a study of African law is almost always of peripheral interest in this country, with, I believe, no single legal scholar in the nation devoting

full time to it, the London School of Oriental and African Studies has full time research and teaching staff of ten to fifteen persons working on African law.

It is my hope that while I'm away contractors will have finished digging one of the world's largest holes in the ground just outside my office. I shall spend a little time looking at new law libraries in Europe, particularly in Germany, gleaned ideas for filling the great hole with as workable and attractive library arrangements as the site allows.

(More Colloquium on page six.)



POOLEY African law

LETTERS TO THE EDITOR

Dean Chided for 'Weak Defense' of Bakke

To the Editor:

Dean St. Antoine's supposed "defense" of the special minority admissions program is analogous to the way that the University of California deliberately booted the Bakke case. If UC loses the Bakke case, it can go back to its old "no special consideration" admissions policy and admit students along lines more acceptable to the medical establishment, the contributing alumni, and the California electorate.

The Dean's weak "defense" of the admissions program here smacks of a similar preference for the old admissions policies. Of course, he must at least nominally defend the admissions policy of this institution.

Within that context, however, he managed to disparage the credentials of more than 90% of the minority, at least black and Chicano, admittees. His statement that, "without our own special minority admissions program, the number of blacks and Chicanos in our student body would probably be reduced to only two or three each year," casts doubt on the admissions qualifications of all minority students.

It is this statement, supposedly statistically founded, that will be remembered longer than his rhetorical recitation of favorable arguments. He is in a position to influence opinions about minority admissions both within and outside the context of the law school community.

A weak defense is worse than no defense at all because it implies that no defense can be made. Very tacky, Dean.

Mary Harper

Wither Witherspoon

Dean St. Antoine responds:

To the Editor:

In my defense of professional schools' minority admissions programs, I did not mean to disparage in any way the qualifications of entering minorities, either at Michigan or anywhere else. To my knowledge we are not admitting any minority to this Law School who would not have gained easy entrance to my own Law School class of 1954. Each is qualified in the absolute sense that if he or she performs up to potential, the likelihood is that each will graduate and go on to a successful career as a practicing lawyer.

The problem is simply that minorities have been caught in the same crunch of

skyrocketing numbers and credentials as the other 3000 or so qualified applicants whom we must turn away each year.

It is sad to have to say that we would have only 2 or 3 minorities in each entering class if we had no special program. I have become convinced, however, that this blunt fact is the only thing which will jar the Justices in Bakke into confronting the realities of a totally "color blind" reading of the Constitution.

I hope you were on hand to hear Justice Goldberg at the Campbell Com-

Library Plans: Closed Minds?

To the Editor:

I would like to preface this letter by stating that I am a junior in the school of Natural Resources, and not a law student. My interest in the law quad stems from my interest in Urban Planning in general and in the law school building in particular.

The law quad is, to my mind, the most beautiful building complex on this campus and is appreciated by law students and non-law students alike. It is only natural, therefore, that any plans for modifying it would spark the interest of people outside the law school community.

Determined to understand the decision to build underground, and halfway favorably impressed with the idea, that I decided to interview some of the people in charge of building the new addition.

The controversy surrounds the question of whether to build the library facility underground as planned, or, as Dr. Richard Ahern has suggested (*Res Gestae*, Dec. 9, 1976), "to reopen the important stage of imaginative brainstorming." The problems with the underground plan range from aesthetic to functional to economic.

Some students have called the plan "half-baked." One pointed out that it is a sad comment on modern architecture that we now have to hide our creations underground. The problems are not refuted by those who have the decision making input.

Professor Kauper, chairman of the Faculty Committee on Capital Improvements, agrees that building to the south of the present stacks with library facilities and offices is the most functional for students and professors, but still favors

oetutuib express the same opinion. The amicus brief submitted by the California law school deans, which may have tipped the decision in favor of granting certiorari was entirely devoted to a presentation of similar statistics. The amicus brief on the merits to be submitted by the Association of American Law Schools will take essentially the same position.

I want to win this case, and if we must face unhappy facts to do it, I am prepared to face them.

Theodore J. St. Antoine

the underground plan. So does Dean St. Antoine, who would personally prefer a modern above-ground facility as first choice.

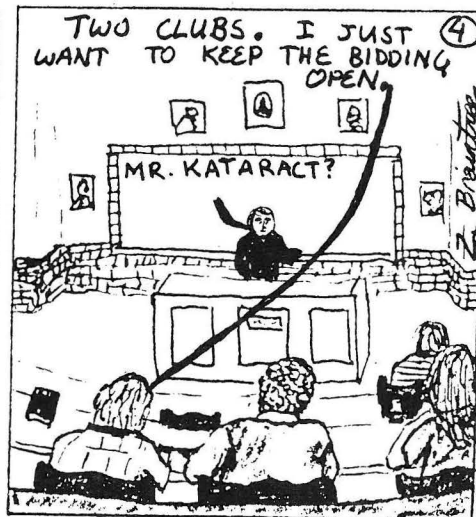
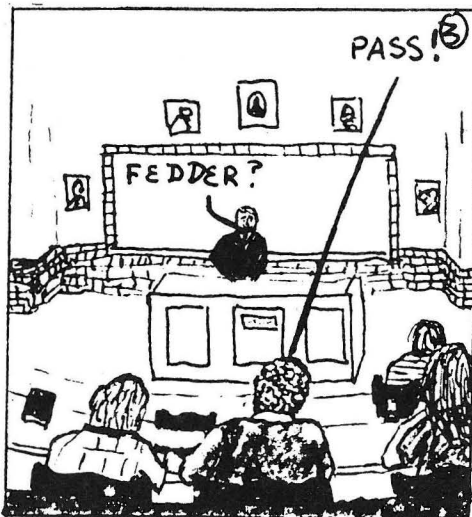
Dean Pierce believes that the underground facility would be the "greatest thing that ever happened to legal education." Yet it was he who revealed that, in 15 or 20 years the present stack facilities will have to be replaced by a new structure. Thus, the problem of building above ground is not being avoided at all, it is simply being postponed!

A large percentage of the library staff oppose any underground facility. Even the architect preferred a plan involving a development south of the stacks, before the one he was finally persuaded to produce. Almost everyone agrees that the new plan will tend to separate faculty offices, and hinder their access to legal materials. In addition, few disagree that completing the quad with an above ground facility, possibly married student housing, would be more aesthetically pleasing.

"The machine is already in motion," I was told for the Nth time. By now my investigation of the proposed plans for the underground library annex was leading me on a lively tour through the decision-making structure of the law school. My first as well as my later reactions were that I had arrived at some desolate void where distorted vision and convoluted logic were the rules of the day.

As I pieced together the various perspectives that had generated the plan, I became convinced that a serious architectural mistake was about to be made. This mistake was compounded, and possibly (See *NEW*, page 4.)

HUTCHINS HEROES



New Look at the New Annex?

(Continued from page 3)

caused by, a process of pseudo-democratic and, in reality, oligarchic control that was not and is not in the public interest.

After the crucial decisions have already been made by the few empowered to do so, others are then free to express their opinions. Efforts to compromise appear to have left most people uniformly dissatisfied. Clearly, the problem of architectural design. It would appear that some of the figures involved are more interested in defending their own roles in the decision-making process than in seeking a plan worthy of their advocacy.

Dr. Ahern has suggested that "the plan was chosen in order to maintain the 'architectural integrity' of the Law Quad-range as conceived by certain influential alumni of the Law School, whose co-operation is deemed essential if donations are to be effectively solicited from foundations, corporations, and from other alumni." I would suggest, in addition, there is an underlying flaw in the decision-

making process that will manifest itself in the irony of all this evidence and logic having supported the right answer but somehow having had produced the wrong one.

It is becoming apparent that there may be no choice but to appeal to the state legislature for a redress of these grievances. Perhaps it is time to expose the fact that excellent design alternatives exist that have been hidden under confusing rhetoric and an underlying paranoia concerning the funding mechanism.

It may be that, if there is another time around, everyone's voice can manage to be heard. Meanwhile the prospect of disturbing our own peace of mind by leaving the system closed continues to loom over us. The decision-making locomotive is on its track. As it pulls away from the station, I can almost see those on board smiling broadly at us and repeating that "The Machine is already in motion."

Chow Now: Perfect Pizza

Picture it: It's Saturday Night at the Movies in the Nat Sci Auditorium. The flick is slow, the air is smokey and stifling, your seat is sore, and you're wondering whether you'll be able to last until the end.

Suddenly—it strikes!—and you realize that you can sit no longer. THAT IRRESISTIBLE URGE! You quickly arouse your snoring companion and bolt out of the auditorium in search of the one thing you know can satisfy The Urge: the spicy tomato sauce, thick, steaming crust (yes!), and gooey, melted mozzarella cheese of a piping hot pizza.

But where to?

You recall with regret the last pizza you had at the Brown Jug—that lukewarm, sauce-less, soul-less frisbee with a disgracefully small amount of cheese and thin, tasteless crust. You have better things to do with your \$2.15 (for a small cheese).

The Cottage Inn? Alas, the romantic soft lights, rustic brick walls, and warm, inviting fireplace are all nice; but when it gets down to the nitty gritty—The Pie Itself—the Cottage Inn falls short of being wonderful. In fact, although adequate, it is still disappointingly mediocre (like the C+ you got in Torts!). At \$2.25 for a small cheese, you definitely deserve a little more mozzarella and a lot more flavor.

Thano's Lamplighter, a dark crowded, unpretentious place at 421 E. Liberty, has it all. Regular or Sicilian style, take your pick—both are so delicious that you can't lose.

The last time I was there, we ordered a small cheese (\$2.15). The short wait for The Pie Itself proved to be well worth it. The crust was hot, moist, soft and thick, and yet crisp—utterly perfect. The spicy sauce, smooth and tomato-ey, was generously applied. And the cheese—well, let's put it this way: I wouldn't be surprised if they invented cheese just so Thano could make his pizza. It's that good.

Admit it: you're weak. When That Urge strikes, you are completely helpless. So give in. Next time you are feeling underfed, overcome and overwhelmed, get a pizza and compare your ratings with mine (on a law school scale):

Lamplighter	B+
Cottage Inn	C+
Brown Jug	F

LETTER

I thought that the Supreme Court decision in Brewer v. Williams was the ultimate height of stupidity. Prof. Kamisar's article on the case changed my mind. Without doubt, he has surpassed the level of stupidity shown by the Court.

Let's get the facts straight first. Williams raped and murdered a ten year old child -- no one seriously contends otherwise. He is guilty, beyond any reasonable doubt. He confessed to his crime without being threatened, intimidated, coerced, or promised lenient treatment if he confessed. The confession was substantiated by hard evidence. Williams was well aware of his rights, and in particular had been advised by his lawyer to keep silent.

It was held that the method used to obtain the confession violated "the community's sense of fair play and decency." What sort of brutal questioning was Williams subjected to? Was he beaten, or deprived of food and water, or grilled ceaselessly for many hours? No, a police captain talked with him, and he voluntarily confessed. If this is enough to offend the community, how does the community feel about the rape and murder of helpless children?

As Kamisar says, "the brief 'speech' Captain Leaming delivered to Williams did not, and was unlikely to, jeopardize the fairness of his trial or risk the conviction of an innocent man." But, he says, we must maintain out standards of due process and fair play. Why do we have these standards? Are they for the protection of rapists and murderers, or are they for the protection of innocent men? What would the draftsmen of the constitution say about Brewer v. Williams? Is the confession so "constitutionally

obnoxious" that Williams should go free? It cannot be unjust to convict Williams; he is unquestionably guilty. A trial is our method of determining guilt or innocence, and a fair trial is one which results in truth and justice. The truth is that Williams killed a ten year old girl, and justice demands that he be convicted. When a man is guilty, how can it be unfair to find him guilty?

I agree that reasonable people may differ as to whether a particular police technique offends fair play and decency. I cannot (and do not want to) believe that reasonable people may differ as to whether a man who rapes and kills a child, then voluntarily confesses, should be convicted.

Ron Heller

Note to Editors:

Please indicate somewhere in the next Res Gestae the telephone number of the Committee to save the Law Quad, which is 662-6024 or 665-9358. Legal advice and other help welcome.

This is in regard to the article LIBRARY ANNEX: SHOULD WE LOOK AGAIN?

Thanks

J. Pelava

JOURNAL OF LAW REFORM

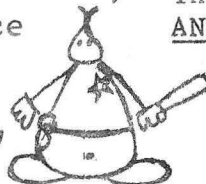
First year students may apply for membership by submitting a writing sample to the Journal office, 731 Legal Research Building. This sample can be a Joint Writing Competition entry, a Case Club brief or memo, or any other legal writing prepared during the first year. The Journal will accept only one sample from each applicant. The last day to pick up Joint Writing topics and the last day to submit any other sample is May 16, 1977.

Second year students who wish to apply for membership must participate in the Journal's write-your-way-on program. For details, contact the Journal office, 731 Legal Research Building.

GET ME
YALE!



YALE
WHO?



PICNIC IN CHICAGO

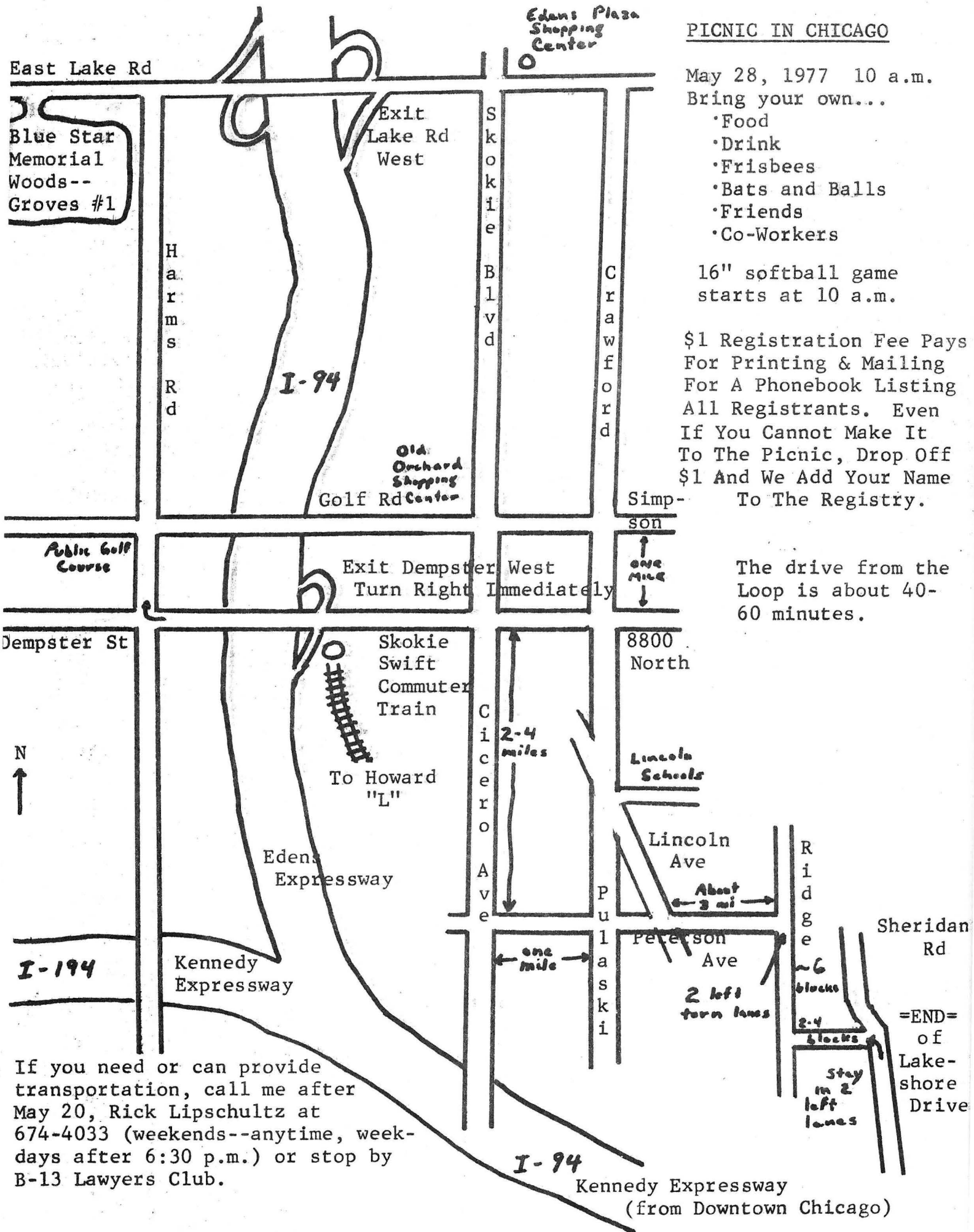
May 28, 1977 10 a.m.
Bring your own...

- Food
- Drink
- Frisbees
- Bats and Balls
- Friends
- Co-Workers

16" softball game
starts at 10 a.m.

\$1 Registration Fee Pays
For Printing & Mailing
For A Phonebook Listing
All Registrants. Even
If You Cannot Make It
To The Picnic, Drop Off
\$1 And We Add Your Name
To The Registry.

The drive from the
Loop is about 40-
60 minutes.



If you need or can provide
transportation, call me after
May 20, Rick Lipschultz at
674-4033 (weekends--anytime, week-
days after 6:30 p.m.) or stop by
B-13 Lawyers Club.



DOCKET

Thursday

ROAST STEW

Thursday, April 28 will mark the Second Annual Lord High Chancellor Roast. The Man of the Hour: Stuart Jones. Lawyers Club's post faculty dining room from 7-11 PM. BYO

BARRISTERS MEETING

Meeting today (April 21) at 4 PM at the Captains Room at the Pretzel Bell (Liberty near Main).

DISCUSSION OF BREWER

Professors Israel and Kamisar will hold a discussion-debate concerning the recent US Supreme Court case, Brewer v. Williams (murder defendant's "confession" not allowed in evidence) today at 4:15 PM in Room 100. All members of the Law School Community invited.

Wednesday

ALL § 2, THIRD YEAR STUDENTS

The Ad Hoc County Club Picnic Revival Committee proudly presents:

The You Asked For It. § 2, Last Day Of Classes

PICNIC

FRIDAY, APRIL 29, ISLAND PARK 1 P.M.

\$1.50 per person buys beer, hot dogs, greasy potato chips and much, much more.

Spouses, Bedfellows, & Friends Welcome
Children Free

The Professors: Plant, Pooley, Green, Westen and Regan are cordially invited to attend.

Please turn in your money and name at the LAWYERS CLUB DESK* by no later than 5 P.M. Wed., April 27.

*(Or to Kay Kiner, or Dwight Dickerson, if you should ever chance to see them in the Halls of Hutchins.

WHAT IS YOUR FAVORITE POSITION?

The LSSS announces openings in the Student Committees. In the Student/Faculty area there are openings in the Academic Standards, Administrative, Admissions, Building, Curriculum, Law School Judiciary, Placement, Scholarship Awards, and Student Personnel Committees.

Chairpersons are needed for the Athletics & Recreation, Elections & Appointments, Film, Residents, Social, and Speakers Committees.

Also there are individual positions open for the ABA LSD, Directory, Faculty/Course - Evaluations Coordinator, MSA Rep, Res Gestae Editor, and Yearbook Publisher.

The Senate is also proposing new committees and needs students to staff them. These proposed committees are the Career, Facilities, Grievance, Law School Forum, and Library Committees.

The Res Gestae also has a few select positions yet open. Pick up an application form outside the R.G. Office.

I will pay \$125 for a responsible person to drive a '77 pick-up to Seattle. Call 995-2424 or 994-3630 (after 7) and ask for Penny.

PLACEMENT NEWS

D.C. Bar requirements have been revised and after January 1, 1978, admission to the D.C. bar will be by exam or after five years of practice, or they will abide by the rule of the jurisdiction in which you are admitted to the Bar (i.e., in Michigan you can waive the exam if you have practiced for three of the last five years). The new rule takes effect on January 1, 1978, and to waive under the old rule, you must be admitted to practice in another state by that date, and have made application to the D.C. to waive. Applications for waiver may be obtained from: (request in writing)

District of Columbia Court of Appeals
Committee on Admissions
400 F Street, N.W.
Washington, D.C. 20001

Judicial clerkships - we are receiving requests from judges about clerks for next year, if interested, please check the bulletin board outside our office.

SENIORS- if you would like to receive a class list this summer of the addresses of others in your class, please sign the list attached to our bulletin board on the first floor. The list will be compiled and mailed in June. If you do not wish to be included on this list, please notify us by May 1, 1977.

ALL STUDENTS are urged to report jobs that you have taken. We also need to have summer address for all first and second year students so that we can mail interviewing materials to you this summer. Use the form on the table outside Room 100 for this purpose.

If you have questions, problems, etc. about placement this summer, please write or call and we will try to help! HAVE A SUPER SUMMER!!

NOTICE! Please watch for the Student Grievance Poll and tell the LSSS of your gripes.

ILS MEETING: Monday, April 25,
NOON, Law Club Lounge
to discuss Elections.

THE (LAST) ADVENTURE OF PEEP 'N' THE PEARL

"HEY PEEP, AS A GRADUATING SENIOR WHAT ADVICE DO YOU HAVE TO LEAVE BEHIND?"

OO OO

"HIT THE OPEN MAN, ALWAYS CUT THE CARDS..."

OO OO

AND TO THY OWN SELF BE TRUE!!

OO OO
- "I DID IT MY WAY" -

1977 - 1978

WRITING AND ADVOCACY PROGRAM

The following students have been selected as Senior Judges for the 1977-78 Writing and Advocacy Program:

Eugene H. Beach, Jr.
William D. Brighton
Elizabeth A. Campbell
David T. Case
Robert E. Casey, Jr.
Curtis L. Christensen
Joseph P. Curran
LeGrand R. Curtis
Duncan Davidson
Carol Grant
David Hallissey
Bruce L. Ingram

Susan E. Jinnett
Robert L. Kamholz, Jr.
George Kimball
Mark Klein
Kenneth J. Laino
Margaret Malchow
Dennis Mullins
Harold J. Rennett
Philip E. Rodgers, Jr.
David G. Swenson
Linda R. Witte
Douglas A. Zingale

If the Law School Catalog Couldn't Lie

(Continued from page 2)

working for and representing. Financial aid is available to those students whose families live in tar paper shacks and have paid no federal income tax for the last three years.

Faculty

The University of Michigan Law School faculty are selected with regard to their ability to undertake long and pointless legal research and writing, to conduct class pompously, and to hide from law students. Once a faculty member is established as a recognized expert in a field of law (which occurs either when he has published his first book in the field or when he has re-written a Restatement of the Law), he is permitted to continue teaching in that field until his yellowed notes fall apart from age or he is dead, whichever comes later. Politically and intellectually, the faculty is somewhat more conservative than Gerald Ford, and somewhat smarter. The faculty contains as many black professors as several prominent law schools in Africa — Johannesburg University, Capetown College of Law, and the University of Salisbury.

Course work

First year law students are required to take a year of property, contracts, and civil procedure, and a half year of criminal law and torts. Unlike some law schools, the University of Michigan Law School does not cutback on these essentials to stick in a lot of namby-pamby liberal first year courses like Constitutional law, Labor law, or Welfare law. Second and third year law students are permitted to take any course work they like, as long as it is corporate, business, or commercial law. Law school misfits are allowed to elect unimportant, non-Bar Exam courses like environmental law, family law, sex discrimination, and welfare law, and they are also allowed to get redlined out of them. Nearly all courses are taught by the casebook method, which means that if a student does not know the case when called on, the professor can throw the book at him.

Clinical opportunities

Because the University of Michigan Law School trains its students for careers in corporate law, where they will never see the inside of a courtroom, the law school has felt that offering its students many opportunities for clinical training would be unnecessary. Also, because the

University of Michigan Law School is a money-making operation, the law school has felt that offering clinical opportunities would be so expensive as to cut its profit-margin. However, due to pressures from bleeding-heart liberals and do-gooder students, the law school has instituted both local and a Washington, D.C. clinical opportunity. The odds on a student who applies for a clinical experience at every opportunity ever getting into a clinic are 58% for the local course and 32% for the D.C. course. Any student who thinks that a clinical experience is essential to their legal education and is worried about not getting one probably wouldn't like the rest of their legal education at the law school anyway.

Exams and grades

Because the corporate recruiters who plunder the University of Michigan Law School are interested only in the best and brightest, the law school makes it easy for them to scoop the cream off the top by assigning grades. At the same time, the law school, recognizing the total irrelevance of grades in predicting future performance as a lawyer, tries to downplay their importance. This technique of carrot and the stick has been found maximally effective in producing grade tension in or students and keeping them passive and docile. In nearly all cases, grades are based upon a single three-hour final exam, which provides minimal feedback to the student and maximal ease in grading to the faculty.

This table shows the close correlation between hrs. of study, and grade achieved.

hr./wk study	3	6	10	10	10	25
grade avg.	C+	C	B	B+	A	A+

Admissions standards

The University of Michigan Law School, despite its technically being owned and operated by the people of the State of Michigan, is an elitist institution which trains corporate legal guns for large law firms in New York, Washington, D.C., Chicago and (for those who end up on the bottom of their class) Detroit and Cleveland. To maintain our reputation as the Harvard of the Midwest, we have devised three equally weighted criteria which we have determined will predict success in law school, success in a legal career, and contributions to the law school in later life. These criteria are: (1) LSAT score, (2) grade point average, and (3) appli-

cant's family's prior contributions to the law school. Special admission exceptions are made for women, minority, and low-income people who demonstrate a great willingness to be co-opted.

Placement opportunities

Most₁ University of Michigan Law School graduates will get₂/a job₃/after they graduate. Many of the largest and most prestigious law firms come to our school every year to recruit and sneer at our students. Students who feel uncomfortable about working for private special interests with law firms from outside the government may be recruited by government agencies to work for private special interests from within the government. Those students who wish to work in the public interest are advised (1) not to go into law, (2) not to come to the University of Michigan Law School, and (3) not to borrow any money from this law school.

1/ but not all

2/ but not necessarily immediately

3/ but not necessarily in the legal area

Potential side effects

The following side effects have been observed in University of Michigan Law School students. Prospective students are hereby informed of their existence and the law school's denial of liability should a student develop any of these symptoms:

- 1) materialism
- 2) elitism
- 3) greed
- 4) argumentativehess
- 5) aggression
- 6) obnoxiousness
- 7) greed
- 8) amorality
- 9) self-righteousness
- 10) desire to enter politics
- 11) loss of ethics
- 12) greed
- 13) avarice
- 14) narcissism
- 15) self-importance
- 16) desire to obfuscate
- 17) conservatism
- 18) loss of ideals
- 19) greed
- 20) sloth (observed mostly in established attorneys, judges, and law professors)
- 21) condescension
- 22) loss of imagination
- 23) loss of athletic ability
- 24) narrow-mindedness
- 25) blurred vision

COLLOQUIUM

Privilege and Protection: The VA Murders

PROFESSORS WESTEN AND REED:

Given the disclosures by the psychiatric worker about the 'confessions' of the nursing supervisor in the current VA Hospital case, how would you balance the confidentiality of the psychiatrist-patient relationship against the defendants' interest in a fair trial?

Peter Westen responds: Aside from whatever the Federal Rules of Evidence may provide in this case (which is something I leave to John Reed), your question may ultimately have to be resolved in constitutional terms: If the nursing supervisor's "confession" satisfied the minimum tests of reliability, the defendants should

have a constitutional right under the sixth amendment to produce and present the confession as evidence in their defense. See *State v. Hembd*, 232 N.W. 2d 872 (Minn. 1975) (the physician-patient privilege for confidential communications is unconstitutional insofar as it precludes a defendant in a criminal case from producing and presenting material evidence in his defense). To be sure, as with all constitutional questions, one must strike a balance between conflicting interests. But I would say that if the confidential information is material to the defendants' case, then constitutional interest in presenting evidence in their favor should be

deemed to outweigh the patient's interest in confidentiality, particularly where, as here, the patient is deceased and the "confidential" information is already widely known in the community.

John Reed responds: Whatever the general rule regarding confidential statements by a patient to a psychiatrist as evidence in federal criminal trials (and the law under the new federal rules is unclear) and however one comes out after balancing defendant's constitutional interests

(See REED, page 9)

L S S S Ponders Organization

At their April 7th meeting the new Senate began to organize itself for drawing next year's budget. In addition, LSSS heard a report on possible Lawyers Club rate increases for next year and took a stand asking for the rehiring of workers dismissed during the AFSCME strike.

To handle the work involved in forming the budget for next year, the Senate decided to meet every Thursday this month with a day long budget session on Saturday the 23rd. In addition, to help understand the needs of the various Law School organizations and committees and to generally improve communications, Senators were appointed to work as liaisons with each group.

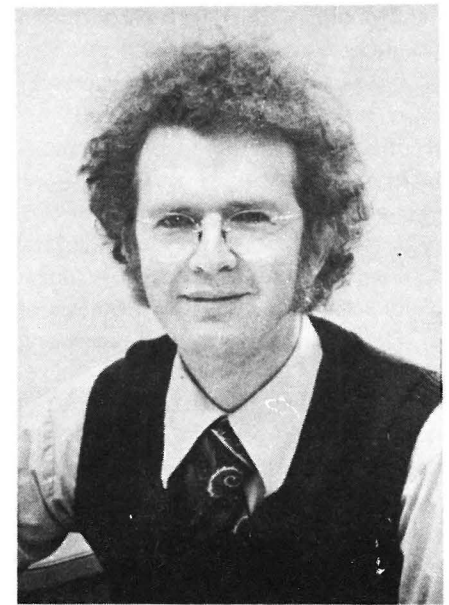
The Residential Committee reported on possible rate increases for the Lawyers Club. Although any rate increase must be approved by the Board of Governors, various rate suggestions were discussed.

The committee has met with Art Mack and suggested cuts to his projected budget so his minimal suggested increase is now 9% instead of 11%. One of the major problems in trying to find places where the cuts could be made is that the new budget was estimated by simply adding a fixed percentage to this year's budget.

Paul Jones and Bob Kohorst, who presented the committee's report em-

the budget must be calculated from a zero base, and suggested that the Senate insist on such a budget next year.

Richard McHugh, from the National Lawyer's Guild (which is investigating the AFSCME firing incidents), spoke to the Senate on the dismissal of various workers during the strike. The Senate responded by passing a resolution asking that the U reinstate all workers in order to promote harmonious labor relations.



WESTEN Sixth Amendment

university cellar

NEED CASH FOR THE BAR?

we Buy-Back good condition

USED BOOKS

\$\$\$

top dollar rates

OPEN 9-5
MON-FRI

in the Mich.
Union Basement
right next to the Barbershop

ABA Urges Bar Support for ERA Passage

The president of the American Bar Association has urged state and local bar leaders to support ratification of the Equal Rights Amendment.

In letters to organized bar leaders in the 15 states which have failed to pass the proposed ERA, ABA President Justin A. Stanley pointed out that his 210,000-

member Association has endorsed the ERA "as part of its continuing program to promote equal justice under law."

The ABA's policy-making House of Delegates specifically endorsed the ERA at its 1974 annual meeting, bolstering a stand taken in 1972 when the Association announced support of constitutional e-

quality for women and urged extension of legal rights, privileges and responsibilities to all persons regardless of sex.

Receiving the letter were leaders of bar groups in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah and Virginia.

Five bar groups in these states are on record in favor of ERA. They are the State Bar of Arizona, Arkansas Bar Association, Illinois State Bar Association, Chicago Council of Lawyers and the Chicago Bar Association.

Stanley urged the state and local bar leaders to testify in support of ratification of the ERA in their respective state legislatures.

The ABA president also asked them to publicize the likely impact of the proposed amendment, utilizing background information compiled by the ABA.

Visiting Professor Martin Cites UM, UNC Similarities

General: Prof. Martin attended Michigan as an undergraduate, and is a 1966 Law School graduate. From 1966 to 1972 he was part of a law firm in Muskegon. In 1972 Prof. Martin became an associate professor of law at the University of North Carolina Law School.

Q. How do you like teaching at Michigan?

A. I've enjoyed it very much. I'm from Michigan, and I went to both undergraduate and law school at Michigan, so it's been pleasant to return to Ann Arbor for a visit. I have especially enjoyed teaching as a colleague of many of the professors who taught me when I was a law student.

Q. Do you find yourself teaching your classes any differently at Michigan?

A. No.

Q. Are there any differences in the system at Michigan, for example class size, or the grade level of your students?

A. There is no great difference. For example of my tax class here has 85 students and at N.C. it could be 15 students larger or smaller.

Q. Do Michigan students conduct themselves any differently in class than those at N.C.?

A. Again, there is no great difference. Students here do tend to be a little more aggressive in class, more willing to argue against the professor's position. Students at N.C., and possibly this is characteristic of the South, tend to be more reserved, more reticent.

Q. How did you come by your interest in Tax law?

A. When I was in practice I dealt with Estate Taxes, probate law, etc. This has carried over. Actually this is the first time I've taught an Income Tax course.

Q. Do you think that being in private practice for several years has been valuable

to you in your teaching?

A. Definitely. In some areas of law this might not be true, but in Estates and Estate Taxes dealing with clients and the practical aspects of the law is valuable.

Q. Do you foresee any major changes in tax law?

A. The climate is right for changes, and there is a real possibility of major simplification. I think it may be difficult for congress to cut off the deductions or other advantages of powerful special interest groups.

Q. What are your future plans?

A. I plan to return to Chapel Hill and teach there for the indefinite future.

Q. Is there anything else that you would like to say?

A. I've enjoyed being here, I've found working with the students here stimulating.

A GRADUATION REMINDER

In case you have not already acquired the 1976 print of the Law Quad for your study or office wall, prints are still available through GEOFF SILVERMAN (764-8985), at ULRICH'S & THE CARAVAN SHOP. \$10.00 for a 15" x 40" black & white lithograph.

IT'S ANOTHER PIZZA AD FROM

PIZZA BOB

THIS AD INCLUDES EVERYTHING YOU NEED TO ORDER A REAL PIZZA



our number
665-4517
665-4518
our address in Ann Arbor
810 & 814 S.State

FOR DREAMS LOST

Charter Memberships for the Disillusioned

It is with some sadness that I near the end of my law school career. The sadness is not sentimental, fondly looking back on the "best years of my life," but bitter-sweet, for dreams lost and visions shattered. I came with hopes and dreams that law school would be a period of growth, excitement, and fulfillment.

For those like me, I propose a new association, open to grads and students who find themselves becoming bitter, disillusioned and even critical of the teaching/learning process at the M. To keep us from being too negative I suggest that our charter accept a positive approach and I recommend that we adopt the:

ELEVEN I WILLs

1. I WILL be impressed with those people who do well on their first year tests when the M assures every student the opportunity to develop the skills the law school exams test. (I play TV ping pong with my 14 year old nephew and I don't mind losing to him as long as I know that with each game I improve. But it is no fun playing the game when I am not told the rules or the tips and do not receive constructive and timely criticism on how I might improve my skills)

2. I WILL be impressed with how many federal court clerks we turn out and the efforts of the faculty to get us more clerkships when the M a) assures me that any and every student will receive assistance and b) gives help to students who want to be clerk-bailiffs in Okemos.

3. I WILL be impressed with law school national rankings when someone develops a way to measure the individual progress that takes place between day one and graduation. (I think that's called teacher-accountability. I might settle for a ranking that compares the learning progress of the bottom 10% of the class.)

4. I WILL be impressed with the national reputation of profs when the M faculty develops its own program to introduce new profs to the mysteries of teaching and to continually evaluate its own ability to teach.

5. I WILL be impressed with people who want to console me with recognition

of what a difficult time law school can be when the M becomes affirmatively supportive. True learning may be difficult and even painful, but it does not have to be humiliating, destructive or dehumanizing.

6. I WILL be impressed with the panel for Campbell Competition when some effort is made to inform, encourage and prepare students to participate in the ABA moot court, the client-counseling competition, Jessup, and other competitions where the M would have to put its writing and advocacy skills on public display.

7. I WILL be impressed with plans to build additions and renovate classrooms when someone finds matching funds to decrease teacher-student ratio.

8. I WILL be impressed with assertions that seminars provide the opportunity for more individual attention when a) all seminars provide some special learning experience that justifies the requirement, and b) the M admits that the quality of teaching and learning in a classroom with 100 students and 1 teacher may be suspect at the graduate level.

9. I WILL be impressed with faculty or student attacks on the case club program when the M puts the attention, money, faculty involvement and credit-recognition into the program that the only skills class we have deserves.

10. I WILL be impressed with claims to greatness and the list of famous alumni/ae (and their pictures) when the M is so confident of its own abilities as a teaching institution that it would be willing to do away with grades and then go on weight of its reputation for individual progress, development and achievement, stand behind any student applying for any position.

11. I WILL be impressed with the fine people I have met and worked for and learned with and with any prof or administrator who makes the effort to be of assistance to any individual student.

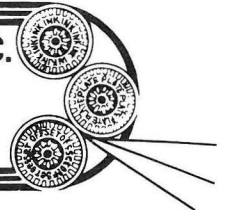
I suggest that our symbol be the traditional block M, our slogan, "I went to Michigan," and our song, the theme of "Rocky." Imagine the sight of our own marching band standing in a block M in the quad on fall afternoons. . . the students in the library. . . the nostalgic grads in blue and maize on the library steps. . . knowing in their hearts that no matter what they personally achieved in these halls, there is one real benefit to graduation from Michigan. We can always trade on the name.

For remember, as long as the admission standards are high and someone gets that supreme court clerkship and the profs are well-known, the M can be a good cover for Mediocrity.

Mary Margaret Bolda

ARBOR INSTANT PRINTING, INC.

**214 South Fourth Avenue
Ann Arbor, Michigan 48107**



COPIES AND OFFSET PRINTING

TYPESETTING LAYOUT AND ARTWORK

NEGATIVES PHOTOSTATS HALFTONES

BINDING FOLDING STAPLING

994-4664

Levin: Legal Profession Must Graduate

(Continued from page 1)

also play a role. "Certainly the Burger Court is doing what it can to turn off the valve, and the state courts have not been



REED Federal Rules

Reed, Westen Consider VA

(Continued from page 6.)

against the supervisor's privilege, it still is necessary to determine whether the evidence is admissible under orthodox rules—in this case, the hearsay rule.

The supervisor's statement is objectionable hearsay unless there is an exception available. Federal Rule of Evidence 804 (b) (3) removes the hearsay barrier to admitting evidence of a statement of an unavailable declarant (here, the nursing supervisor) which at the time of its making "so far tended to subject [the declarant] to * * * criminal liability * * * that a reasonable man [sic] would not have made the statement unless he believed it to be true." If, as has been reported, the supervisor was mortally ill and knew it when she allegedly made the statement, the statement arguably was not adverse to her interest in the sense contemplated by the rule and would not qualify for this hearsay exception. Rule 804 (b) (3) further provides that a statement "tending to expose the declarant to criminal liability and offered to exculpate the accused"—this very case—is not admissible "unless corroborating circumstances clearly indicate the trustworthiness of the statement." News reports suggest doubt that there is corroboration. Therefore, the purported "confession" may well be inadmissible as hearsay in the current case.

overly receptive to this kind of litigation."

Both courts and lawyers, according to Levin, have learned from experience that litigation is an inefficient technique for social change. "I don't mean to suggest that such litigation will not succeed. But class actions will always be difficult. The interests that you're fighting will be very well financed. The judicial process is very time-consuming and very inefficient. It's the long, hard way to go—but so is the legislative process."

Justice Levin suggests that law students also have discovered that "There may be other ways to change the world." While increased student apathy, along with an apparent shift to conservative political and social views, may also be a factor, Levin declined to speculate on the actual impact on the number of students entering the field.

Justice Levin also proposed new selection procedures for state court judges. In his opinion, the greatest difficulty facing the Michigan Supreme Court is not workload, but the constant changes in court personnel.


Under the current state laws, Supreme Court Justices are elected to eight year terms, so that some member of the court must run for re-election every two years.

"Changes of personnel, because of the elective process, occur at far too high a rate for the kind of continuity to do the work expected of the Court," he said.

Instead of elections, Levin has proposed that all judges in the state courts be appointed for a single, fixed duration term; he suggests 16 years as the proper term. Most state court judges now reach the bench through appointments to fill unexpired terms, he noted, and not by election. His proposal would permit the remaining entrants to the judiciary—as well as those currently on the bench—to avoid election politics, and concentrate on proper legal issues.

Salary levels in both the Michigan and Federal court systems are not a problem in attracting qualified persons to the judiciary, according to Levin. "We would attract better people if we would eliminate the election—or at least the re-election—process. Some lawyers who now make \$50,000 or \$60,000 would be willing to give up the chance to make more, if they knew that they could devote themselves fully to judicial responsibilities and never have to return to the political process."

(See SINGLE, page 10)



*For Your
Book and Supply Needs
Shop*

FOLLETT'S
MICHIGAN BOOK STORE

322 SOUTH STATE STREET
PHONE (313) 662-6594

Other Emphases: Notes from Sister Schools

Since the Res Gestae regularly exchanges issues with many other law school newspapers, we have a window on other law schools not available to other students. The following are drawn from recent issues.

UNIVERSITY OF SAN DIEGO

San Diego County and the law school have entered into an agreement to establish a Patient Advocacy Program. The system,

which is similar to the clinical program here, will focus on ensuring the rights of both medical and psychiatric patients are understood, observed and protected.

VILLANOVA

Villanova is considering admission of deaf students in its fall class as a part of its continuing effort to prepare the handicapped for legal education. Interpreters would be provided by the State of Pennsylvania.

NEW YORK UNIVERSITY

Due to student demands that clinical courses be graded (not simply pass-fail), NYU has decided that clinical instructors will pre-select several grading criteria from among six, including counseling, negotiation and draftsmanship. Students will then receive traditional one or two credit marks in each area on their transcripts. Almost one-third of the student body takes one of the dozen clinics offered by NYU.

HARVARD

Both husband and wife have been arrested by the FBI and charged with giving fraudulent information of federally insured loan applications—he for the law school and she for the graduate business school. It is also alleged that the wife was admitted on the basis of a falsified academic record.

Single Term High Court?

Continued from page 9)

Justice Levin feels that the problem may be particularly acute in rural areas, election pressures might cause a judge to "play to the crowd", with consequent distortion of judicial impartiality.

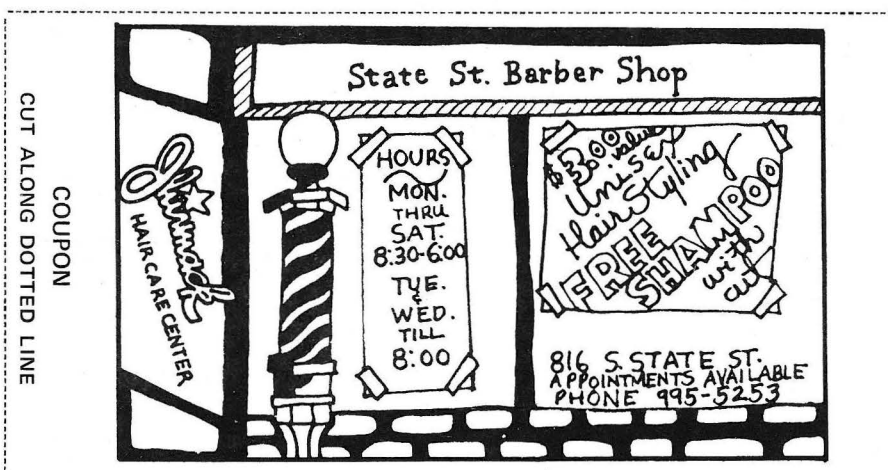
Levin stressed that he was not advocating life tenure, such as now used in the Federal system, for the Michigan courts. His fixed duration term idea, in addition to removing the influence of politics, is also designed to provide systematic yet non-disruptive variations in court personnel. "It would provide for change. No one should exercise that kind of power endlessly."

He cites retired Justice William O. Douglas as an example. "However good a person Douglas was, he stayed too long. He's a fine man, but there's a need for change." Such automatic changes, he feels, would cause less disruption in the courts than the near-random changes of the elective process.

Statistically, members of the United States Supreme Court during the past half-century have served an average of about 14 years. Thus, President Carter (should he win a second term) may appoint 3 to 5 new Justices. Asked if he has any predictions on who will fill these seats, Levin noted that Attorney General Griffin Bell is a likely candidate. Atlanta attorney Charles Kirbo, may also be nominated, because of his close relationship to Carter. Levin suggested that the Court might benefit by appointments of females, blacks, and also Catholics—the latter because of current controversies over non-public school funding and integration, as well as abortion.

Justice Levin also echoed Justice Goldberg's praise of last week's Campbell

competitors. "On the whole, the student advocates did much better than the average lawyer," Levin said. He noted that the quality of both the briefs and the oral advocacy compared most favorably with efforts actually before the Court.



LISTEN!

IT'S DAMNED HARD FOR A SMALL BOOKSTORE TO COME UP WITH A NEW ADVERTISEMENT EVERY WEEK. I MEAN, IF YOU SPENT MORE MONEY HERE, MAYBE WE COULD AFFORD AN ADVERTISING DEPARTMENT OR SOMETHING. SO -- YOU WANT BETTER ADS? SPEND MORE MONEY!



LACO

Bookstores Inc
1216 S. University

Ann Arbor - Michigan - 48104-663-9333